

CHAPTER 115

ABANDONED COAL MINES

H.F. 615

AN ACT relating to abandoned coal mines expenditures, including reclamation of land and drainage abatement.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 207.21, subsection 2, Code 1997, is amended to read as follows:

2. a. Lands and water eligible for reclamation or drainage abatement expenditures under this section ~~are these~~ include the following:

(1) Lands which were mined for coal or affected by such mining, waste banks, coal processing, or other coal mining processes, and abandoned or left in an inadequate reclamation status prior to August 3, 1977, and for which there is no continuing reclamation responsibility under state or federal laws.

(2) Coal lands and water damaged by coal mining processes and abandoned after August 3, 1977, if they were mined for coal or affected by coal mining processes and if either of the following occurred:

(a) The mining occurred and the site was left in either an unreclaimed or inadequately reclaimed condition between August 4, 1977, and April 10, 1981, and any moneys for reclamation or abatement that are available pursuant to a bond or other form of financial guarantee or from any other source are not sufficient to provide for adequate reclamation or abatement at the site.

(b) The mining occurred and the site was left in either an unreclaimed or inadequately reclaimed condition between August 4, 1977, and November 5, 1990, and the surety of the mining operator became insolvent during that period and, as of November 5, 1990, moneys immediately available from proceedings relating to the insolvency or from any financial guarantee or other source are not sufficient to provide for adequate reclamation or abatement at the site.

b. If requested by the governor, the division may fill voids and seal tunnels, shafts, and entryways resulting from any previous noncoal mining operation, and may reclaim surface impacts of any such noncoal underground or surface mines that were mined prior to August 3, 1977, and which constitute an extreme danger to the public health, safety, general welfare, or property. Sites and areas designated for remedial action pursuant to the federal Uranium Mill Tailings Radiation Control Act of 1978, 42 U.S.C. § 7901 et seq., or which have been listed for remedial action pursuant to the federal Comprehensive Environmental Response Compensation and Liability Act of 1980, 42 U.S.C. § 9601 et seq., are not eligible for expenditures under this section.

Sec. 2. Section 207.21, subsection 3, paragraph d, Code 1997, is amended by striking the paragraph.

Sec. 3. Section 207.23, subsection 1, Code 1997, is amended to read as follows:

1. Before initiating a reclamation project, the division shall obtain a notarized appraisal by an independent appraiser of the value of the land before the project. Within six months after the completion of a project to restore, reclaim, abate, control, or prevent adverse effects of past coal mining practices on privately owned land, the division shall itemize the money expended on the project, obtain another appraisal and shall may file a lien statement in the manner provided in section 572.8, together with the notarized appraisals, in the office of the district court clerk of each county in which a portion of the property affected by the project is located, together with a notarized appraisal by an independent appraiser of the value of the land before the restoration, reclamation, abatement, control, or prevention of adverse effects of past mining practices if the money so expended results in a significant increase in prop-

erty value. A copy of the lien statement and the appraisal, if required, shall be served upon affected property owners in the manner provided for service of an original notice. The lien shall not exceed the amount determined by the appraiser to be the increase in the market value of the land as a result of the restoration, reclamation, abatement, control, or prevention of adverse effects of past coal mining practices. A lien shall not be filed in accordance with this subsection against the property of a person, who owned the surface prior to May 2, 1977, and who neither consented to, participated in nor exercised control over the mining operation which necessitated the reclamation performed.

Sec. 4. Section 207.23, subsections 4 and 5, Code 1997, are amended by striking the subsections.

Sec. 5. **NEW SECTION. 207.29 POWERS AND AUTHORITY.**

The division may engage in any work and do all things necessary or expedient, including adoption of rules, to implement and administer the provisions of an abandoned mine reclamation program.

Approved May 2, 1997

CHAPTER 116

INSTRUMENTS FILED WITH COUNTY RECORDER

H.F. 616

AN ACT relating to instruments filed or recorded with the county recorder.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 331.602, subsection 1,* Code 1997, is amended to read as follows:

1. Record all instruments presented to the recorder's office for recordation upon payment of the proper fees and compliance with other recording requirements as provided by law. The instruments presented for filing or recordation shall be legible and reproducible, and shall have typed or legibly printed on them the names of all signatories including the names of acknowledging officers and witnesses beneath the original signatures. The Except as otherwise authorized by the recorder, the instruments shall be no larger than eight and one-half inches by fourteen inches and shall provide a space at the top of the instrument at least eight and one-half inches across the page by two inches in length, on which space shall be typed or legibly printed across the page on the bottom one-fourth inch of this space, the name, address, and telephone number of the individual who prepared the instrument. The remaining portion of this space shall be reserved for use by the county recorder, ~~except as otherwise authorized by the recorder.~~

Approved May 2, 1997

* Subsection 1, unnumbered paragraph 1, probably intended